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MEMO ENDORSED

A handwritten signature in black ink, appearing to read "Valerie", written over a horizontal line.

HON. VALERIE FIGUEREDO
 UNITED STATES MAGISTRATE JUDGE

DATED: September 3, 2024

The temporary seal requested herein is granted. The Clerk of Court is directed to maintain the viewing restrictions on ECF No. 339 until September 18, 2024. If CIBC desires to seal that information permanently, it should submit by September 17, 2024, a letter explaining the grounds that support sealing, consistent with Lugosch v. Pyramid Co. of Onondaga, 435 F. 3d 110 (2dCir. 2006). The Clerk of Court is respectfully directed to terminate the motion at ECF No. 340.

THOMAS FILARDO
 PARTNER

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September 1, 2024

VIA ECF

The Honorable Valerie Figueredo
 United States Magistrate Judge
 United States District Court for the Southern District of New York
 500 Pearl Street, New York, NY 10007

Re: Harrington Global Opportunity Fund, Ltd. v. BofA Securities, Inc., No. 21-CV-761

Dear Judge Figueredo:

We write on behalf of Plaintiff Harrington Global Opportunity Fund, Limited (“Harrington”) in the above-captioned matter. Pursuant to (i) Rule 21.7 of the Electronic Case Filing Rules & Instructions for the United States District Court, Southern District of New York; (ii) Your Honor’s Individual Practices in Civil Cases Section I(g); and (iii) the Protective Order, ECF No. 111, we write to request approval to file under seal, and publicly redacted, a certain portion of a letter motion that Harrington previously filed at ECF No. 339 seeking to permit reclassification of an expert.

The letter contains the name of a third-party client that CIBC disclosed in discovery and that may be relevant to Harrington’s spoofing allegations.

The Protective Order provides that the parties “may designate as confidential for protection under this Protective Order, in whole or in part, any document, information, or material that constitutes or includes, in whole or in part, confidential or proprietary information or trade secrets of the Party or a Third Party to whom the Party reasonably and in good faith believes it owes an obligation of confidentiality with respect to such document, information, or material.” CIBC has designated the identity of this third party as Confidential Discovery. Thus, Harrington seeks to file under seal the reference to the third party in the letter.

Pursuant to Your Honor’s Individual Practices in Civil Cases, Harrington is publicly re-filing its letter with proposed redactions and electronically filing under seal a copy of the unredacted letter with the proposed redactions highlighted.

Warshaw Burstein, LLP

Hon. Valerie Figueredo
September 1, 2024
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Finally, the below Appendix lists the parties and their counsel of record who should have access to the sealed documents.

Respectfully submitted,

WARSHAW BURSTEIN LLP

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cc: All counsel via ECF

Appendix

The following parties and attorneys of record should have access to the sealed documents:

Plaintiff Harrington Global Opportunity Fund, Limited

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Meghan Hallinan
Matthew A. Marcucci

CHRISTIAN ATTAR

James Wes Christian
Ardalan Attar

Defendants BofA Securities, Inc. and Merrill Lynch Canada, Inc.

O'MELVENY & MYERS LLP

Abby F. Rudzin
William J. Martin

Defendants TD Securities, Inc. and TD Securities (USA) LLC

KING & SPAULDING LLP

Jamie S. Dycus
David Lesser
Jenny Pelaez

Defendants CIBC World Markets Inc. (Canada)

DENTONS

Sandra D. Hauser
Stephen J. Senderowitz
Timothy J. Storino